

Tab 25

Greg Keighley

HIGHLY CONFIDENTIAL
New York, NY

July 20, 2005

172

1 resources known, resources are available, that is
2 different than saying, here's the policy?

3 MR. TRETTER: I think the problem
4 is you want to use the word policy,
5 although the witness hasn't used that
6 word. If you want to talk about what
7 the general practice was, that's fine.
8 If you're asking for was something said
9 in particular in an e-mail or voice
10 mail, that's fine.

11 Q I think the last question was, was
12 there something specific communicated to you or
13 other sales reps concerning whether you should or
14 should not discuss reimbursement issues with your
15 clients?

16 A Once, again, it was a reactive
17 setting. We can't say, "I don't know" to a
18 physician that's bringing the issue up. It was
19 my policy, I can only speak myself, in that I was
20 not going out there proactively seeking it out.

21 If an office had literally a
22 handful of times where this was the issue of

Edwards 3/15/06
Declaration Exhibit
G - Keighley

Greg Keighley

HIGHLY CONFIDENTIAL
New York, NY

July 20, 2005

173

1 the day for a physician, we're talking over a
2 hundred calls, four, five times a physician
3 brought this up, you know, it being a resource
4 I would try to say these are the people you
5 need to talk to. It was responding to a
6 customer's need.

7 The issue didn't raise itself by
8 going to an office and saying, do you have any
9 questions about this. It was not a proactive
10 concern on my part over any amount of time.

11 And that, I believe is due to
12 the information I received over time from
13 management, whether it was verbal or otherwise
14 that that's how I was supposed to do my job
15 function. I cannot relate you to an e-mail,
16 saying, yes, we got an e-mail -- there had to
17 be some formal documentation or some informal
18 voice mail by management saying, yes, we recall
19 this. There was a way I felt this is the way
20 the company wants me to account, and this is to
21 respond in a reactive setting to where I feel
22 I'm knowledgeable, but do not be proactive in

Edwards 3/15/06
Declaration Exhibit
G - Keighley

Greg Keighley

HIGHLY CONFIDENTIAL
New York, NY

July 20, 2005

174

1 the setting. And that's the message I felt I
2 received over numerous meetings, over numerous
3 contacts with people in those situations of
4 people in authority.

5 Q Were you ever made aware of
6 anyone -- is there some disciplinary procedure in
7 place if a sales rep did something untoward or
8 against company policy?

9 A There's a variety of steps.
10 You're put on probation. There's a first step,
11 there has to be a series of events that have led
12 to the next time this happens. There are some
13 issues that are distinctly forbidden, that one
14 instance you have you're gone, you've signed off
15 on that. Our company is very cautious, we're
16 very conservative with, you read this, you sign
17 this, your job is on the line. We know exactly
18 where. It's black and white on almost every
19 portion of our job description and up to
20 termination is part of a many scenarios that if
21 we do this or that activity your job is at stake.

22 Q Was using margin, the margin we've